

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are pending in the present Application, Claims 1-10 having been amended without the introduction of any new matter.

In the outstanding Office Action, Claims 2 and 4 were objected to; the specification was objected to; Claims 1 and 7 were rejected under 35 U.S.C. §102(b) as anticipated by Goken (U.S. Patent No. 5,584,051); and Claims 2-6 and 8-10 were objected to for depending from an rejected base claim, but were otherwise indicated as including allowable subject matter.

Applicants acknowledge with appreciation the indication of allowable subject matter. In light of this indication, Claims 2, 8, and 9 are written in independent form with minor modifications to better conform to the description in the specification. Accordingly, Claims 2-6 and 8-10 are believed to be in condition for allowance.

Claim 1 is directed to a method to provide continuity of service in a radio broadcasting system. The radio broadcasting system transmits N time frequency cells that are modulated independently of each other. In a number N1 of the N cells, signals for a digital signal are sent. In a number N2 of the N cells, signals for an analog signal are sent. At reception, a receiver can differentiate, in a received signal  $S_r$ , between at least the digitized audio signal  $S_1$  and the signal  $S_2$ , and replace the digital signal conveyed in the number N1 of cells with the analog signal conveyed in the number N2 of cells if the digitized audio signal  $S_1$  cannot be accurately decoded. This method provides continuity of service for all reception conditions, unlike a purely digital method.<sup>1</sup>

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<sup>1</sup> Specification, page 3, lines 19-20.

Turning now to the rejection of Claim 1 as anticipated by Groon, Applicants respectfully submit that the amendment to Claim 1 overcomes the outstanding grounds of rejection. Claim 1 is amended to recite, *inter alia*, “differentiating, in a received signal  $S_r$ , between at least the digitized audio signal  $S_1$  and the analog signal  $S_2$ .” Groon does not teach or suggest at least this element of Claim 1.

Groon describes a system where a receiver receives both an analog signal and a digital signal and can switch between the two to maintain reception. However, the digital and analog signals are transmitted separately from each other and are not transmitted in N time frequency cells modulated independently of each other. When receiving a digital audio signal, the receiver described in Groon is capable of searching for an alternative VHF-FM frequency.<sup>2</sup> Groon describes that the control signals which switch between the analog signal and the digital signal are only broadcast if the same station or same program is being transmitted in two different transmission systems.<sup>3</sup> Thus, receiver described in Groon receives two separate signals and does not differentiate, in a received signal, between a digital signal and an analog signal. Therefore, Groon does not describe or suggest the claimed “differentiating, in a received signal  $S_r$ , between at least the digitized audio signal  $S_1$  and the analog signal  $S_2$ .”

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 patentably distinguishes over Groon. Claim 7 recites elements similar to those recited in Claim 1. Thus, Applicants respectfully submit that Claim 7 patentably distinguishes over Groon for at least the reasons stated for Claim 1.

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<sup>2</sup> Groon, col. 8, lines 60-62.

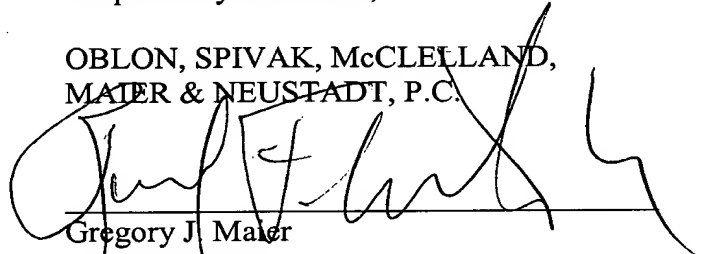
<sup>3</sup> Groon, col. 3, lines 1-5.

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Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, likely belonging to Gregory J. Maier, is written over a horizontal line.

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